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Report of the International Criminal Court

Report of the International Criminal Court

Note by the Secretary-General

The report of the International Criminal Court on its activities for 2010/11 is submitted herewith to the General Assembly in accordance with article 6 of the Relationship Agreement between the United Nations and the International Criminal Court and paragraph 17 of General Assembly resolution 65/12.

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Report of the International Criminal Court to the United Nations for 2010/11

Summary

The present report, covering the period 1 August 2010 to 31 July 2011, is the seventh annual report of the International Criminal Court submitted to the United Nations. It covers the main developments in the activities of the Court and other developments of relevance to the relationship between the Court and the United Nations.

The Court made significant progress during the reporting period. Five new States acceded to or ratified the Rome Statute of the International Criminal Court, bringing the total number of States parties to 116. The Court's judicial activity reached a new high with the start of a third trial. The presentation of evidence in the Court's first trial was concluded, and the verdict is expected by the end of the year.

The Prosecutor opened a sixth investigation, following the Security Council's unanimous referral of the situation in the Libyan Arab Jamahiriya. The total number of individuals subject to proceedings before the Court increased from 15 to 25, and seven new persons appeared before the judges pursuant to an arrest warrant or a summons to appear.

The United Nations continued to provide important support and assistance to the Court during the reporting period. The Court engaged closely with States, the United Nations and regional and intergovernmental organizations to enhance international cooperation in the fight against impunity for genocide, crimes against humanity and war crimes.

As the importance attached to the Court's work and the relevance of the Rome Statute on the international scene grow, great challenges remain. Arrest warrants are outstanding against a total of 11 suspects, and the cooperation of States in bringing these persons to justice continues to be a key condition for the effective implementation of the Court's mandate. At the same time, the growing casework and the referral of a new situation by the Security Council has increased pressure on the resources available to the Court.

The Court is seized of seven situations, of which the situation in Côte d'Ivoire is pending the Pre-Trial Chamber's authorization for the opening of an investigation. The situations in Uganda, the Democratic Republic of the Congo and the Central African Republic were referred by the States in question, and the situations in Darfur, Sudan, and the Libyan Arab Jamahiriya were referred by the United Nations Security Council. In each case, the Prosecutor decided that there was a reasonable basis for the opening of investigations. The investigation into the situation in Kenya was authorized by Pre-Trial Chamber III following a request from the Prosecutor.

In respect of the situation in Uganda, there is one case, *The Prosecutor v. Joseph Kony, Vincent Otti, Okot Odhiambo and Dominic Ongwen*, with four warrants of arrest outstanding since July 2005.

In respect of the situation in the Democratic Republic of the Congo, there are four cases, of which two are at the trial stage. In *The Prosecutor v. Thomas Lubanga Dyilo*, the presentation of evidence has concluded and a verdict is expected by the end of the year. In *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*, the prosecution case finished in December 2010 and the first accused began presenting his case on 21 March 2011. In *The Prosecutor v. Callixte Mbarushimana*, an arrest warrant was issued and the suspect arrested during the reporting period. The case is at the pre-trial stage. In *The Prosecutor v. Bosco Ntaganda*, the arrest warrant has remained outstanding since August 2006.

In respect of the situation in the Central African Republic, there is one case, *The Prosecutor v. Jean-Pierre Bemba Gombo*. The trial started on 22 November 2010 with the presentation of prosecution evidence.

In respect of the situation in Darfur, Sudan, there are three active cases. In *The Prosecutor v. Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus*, on 7 March 2011 Pre-Trial Chamber I confirmed charges of war crimes in connection with an attack on an African Union mission, sending the case to trial. Arrest warrants remain outstanding in *The Prosecutor v. Ahmad Muhammad Harun and Ali Muhammad Ali Abd-Al-Rahman*, as well as in *The Prosecutor v. Omar Hassan Ahmad Al Bashir*.

In accordance with Security Council resolution 1593 (2005), the Prosecutor presented his twelfth and thirteenth reports on the status of the investigation into the situation in Darfur to the Council on 9 December 2010 and 8 June 2011, respectively, highlighting the lack of cooperation by the Sudanese Government, the continuation of the alleged crimes on the ground and the need to execute the outstanding arrest warrants.

In respect of the situation in Kenya, there are two ongoing cases at the pre-trial stage, *The Prosecutor v. William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang* and *The Prosecutor v. Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali*. All six suspects appeared before Pre-Trial Chamber II in April 2011 pursuant to summonses to appear, and the confirmation of charges hearings are scheduled for September 2011.

In respect of the situation in the Libyan Arab Jamahiriya, there is one ongoing case, *The Prosecutor v. Muammar Mohammed Abu Minyar Gaddafi, Saif Al-Islam Gaddafi and Abdullah Al-Senussi*. On 27 June 2011, Pre-Trial Chamber I issued warrants of arrest against the three suspects for crimes against humanity allegedly committed since 15 February 2011. In accordance with Security Council resolution 1970 (2011), the Prosecutor presented his first report on the status of the investigation into the situation in the Libyan Arab Jamahiriya on 4 May 2011.

In addition to the six investigations, the Office of the Prosecutor is conducting preliminary examinations in Afghanistan, Colombia, Côte d'Ivoire, Georgia, Guinea, Honduras, Nigeria, the Republic of Korea and Palestine. During the reporting period, the Prosecutor sought authorization from the Pre-Trial Chamber to open an investigation into the alleged crimes committed on the territory of Côte d'Ivoire after 28 November 2010. The request was pending at the time of the submission of the present report.

Contents

		Page
I.	Introduction	6
II.	Judicial proceedings	6
	A. *The Prosecutor v. Thomas Lubanga Dyilo* (situation in the Democratic Republic of the Congo)	7
	B. *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui* (situation in the Democratic Republic of the Congo)	8
	C. *The Prosecutor v. Callixte Mbarushimana* (situation in the Democratic Republic of the Congo)	8
	D. *The Prosecutor v. Jean-Pierre Bemba Gombo* (situation in the Central African Republic)	9
	E. *The Prosecutor v. Omar Hassan Ahmad Al Bashir* (situation in Darfur, Sudan)	9
	F. *The Prosecutor v. Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus* (situation in Darfur, Sudan)	10
	G. *The Prosecutor v. William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang* (situation in Kenya)	10
	H. *The Prosecutor v. Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali* (situation in Kenya)	11
	I. *Prosecutor v. Muammar Mohammed Abu Minyar Gaddafi, Saif Al-Islam Gaddafi and Abdullah Al-Senussi* (situation in the Libyan Arab Jamahiriya)	11
	J. Outstanding warrants of arrest	12
III.	Investigations and preliminary examinations	12
	A. Investigations	12
	1. Situation in the Democratic Republic of the Congo	12
	2. Situation in Uganda	13
	3. Situation in the Central African Republic	14
	4. Situation in Darfur, Sudan	14
	5. Situation in Kenya	14
	6. Situation in the Libyan Arab Jamahiriya	14
	B. Preliminary examinations	15
	1. Afghanistan	15
	2. Colombia	16
	3. Côte d'Ivoire	16
	4. Georgia	17
	5. Guinea	17

6. Honduras 17
7. Republic of Korea 17
8. Nigeria 18
9. Palestine 18
IV. International cooperation 19
A. Cooperation with the United Nations 19
B. Cooperation with and assistance from States, other international organizations and civil society 21
V. Institutional developments 23
A. Elections and appointments 23
B. Assistance to the Special Court for Sierra Leone 24
VI. Conclusion 24

I. Introduction

1. The present report, covering the period 1 August 2010 to 31 July 2011, is the seventh annual report of the International Criminal Court submitted to the United Nations in accordance with article 6 of the Relationship Agreement between the United Nations and the International Criminal Court.[1] It covers the main developments in the activities of the Court and other items relevant to the relationship between the Court and the United Nations since the sixth report of the Court to the United Nations (A/65/313).

2. The Court was created by an international treaty, the Rome Statute of the International Criminal Court,[2] which was adopted on 17 July 1998 and entered into force on 1 July 2002. During the reporting period, Grenada, the Republic of Moldova, Saint Lucia, Seychelles, and Tunisia deposited instruments of ratification or accession, resulting in 116 States having ratified or acceded to the Rome Statute. These include 32 African States, 15 Asian States, 18 Eastern European States, 26 States from Latin America and the Caribbean and 25 Western European and other States. In addition to these States parties, 34 countries have signed but not yet ratified the Rome Statute.

3. The Court is an independent judicial institution, charged with carrying out investigations into and trials of individuals allegedly responsible for the most serious crimes of international concern, namely, genocide, crimes against humanity and war crimes.

4. The Rome Statute requires that proceedings before the Court be carried out fairly and impartially, with full respect for the rights of the accused. An innovative aspect of the Rome Statute is that victims may participate in proceedings, even if not called as witnesses.

5. In carrying out its functions, the Court relies on the cooperation of States, international organizations and civil society in accordance with the Rome Statute and international agreements concluded by the Court. Areas where the Court requires cooperation from States include preliminary examinations, investigations, the arrest and surrender of accused persons, asset tracking and freezing, victim and witness protection, provisional release, the enforcement of sentences and the execution of the Court's decisions and orders.

6. The Court is independent from, but has close historical, legal and operational ties to, the United Nations. The relationship between the Court and the United Nations is governed by the relevant provisions of the Rome Statute as well as by the Relationship Agreement between the Court and the United Nations and other subsidiary agreements.

II. Judicial proceedings

7. During the reporting period, the Court continued to be seized of the five situations already opened: the situations in Uganda; the Democratic Republic of the Congo; the Central African Republic; Darfur, Sudan; and Kenya.

[1] United Nations, *Treaty Series*, vol. 2283, No. 1272.

[2] Ibid., vol. 2187, No. 38544.

8. In March 2011, the Prosecutor opened a sixth investigation, into the situation in the Libyan Arab Jamahiriya, following a unanimous referral by the Security Council pursuant to resolution 1970 (2011), adopted on 26 February 2011. The Prosecutor also requested authorization from the Pre-Trial Chamber to open a seventh investigation, into the situation in Côte d'Ivoire.

9. Judicial proceedings have taken place in relation to each of the six investigations, resulting in 13 cases involving 26 individuals alleged to have committed crimes within the jurisdiction of the Court. Of these 26 individuals, one was officially declared dead and the proceedings against him were terminated. The cases in which there have been judicial developments during the reporting period are detailed below.

A. *The Prosecutor v. Thomas Lubanga Dyilo* (situation in the Democratic Republic of the Congo)

10. Thomas Lubanga Dyilo is alleged to be the leader of the Union des patriotes congolais and Commander-in-Chief of its military wing, the Forces patriotiques pour la libération du Congo. He is charged with having committed war crimes in the Democratic Republic of the Congo, specifically enlisting, conscripting and using children under the age of 15 years to participate actively in hostilities.

11. The trial of Mr. Lubanga started on 26 January 2009 before Trial Chamber I. The Prosecution called 29 witnesses between 26 January 2009 and 14 July 2009. Additional prosecution witnesses were subsequently called or recalled in 2010 to respond to the abuse of process allegations made by the defence. The defence case was presented in the period from 27 January 2010 to 18 April 2011. During this period, the defence tendered 133 items of evidence and called 24 witnesses to testify over a total of 68 trial days. A total of 118 victims have participated, through their legal representatives, in the Lubanga case. Three of the victims authorized to participate in the proceedings testified before the Chamber in January 2010.

12. On 8 October 2010, the Appeals Chamber reversed the decisions of Trial Chamber I to stay the proceedings and to release the accused. The Trial Chamber had previously ordered a stay of the proceedings as a consequence of the prosecution's material non-compliance with the Chamber's orders and had ordered the unrestricted and unconditional release of Thomas Lubanga Dyilo, subject to the appeal and an order of suspensive effect by the Appeals Chamber, on 15 July 2010. The Appeals Chamber reversed the Trial Chamber's decision, finding that before ordering a stay of proceedings, the Trial Chamber should have first imposed sanctions under article 71 of the Statute to bring about compliance.

13. On 23 February 2011, Trial Chamber I refused the defence application to stay the proceedings as an abuse of the process. The trial resumed on 21 March 2011.

14. On 20 May 2011, Trial Chamber I ordered the closing of the presentation of evidence stage. The prosecution and the defence submitted their closing briefs on 1 June and 15 July, respectively. The parties and participants will present their closing oral statements in public hearings on 25 and 26 August 2011.

B. *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui* (situation in the Democratic Republic of the Congo)

15. Germain Katanga and Mathieu Ngudjolo Chui are two former leaders of armed groups active in the Ituri region of the Democratic Republic of the Congo. Mr. Katanga allegedly commanded the Forces de résistance patriotiques en Ituri and had been appointed Brigadier General of the Forces armées de la République démocratique du Congo (FARDC); Mr. Ngudjolo was allegedly the former leader of the Front des nationalistes et intégrationnistes and a Colonel in FARDC. They are both charged with seven counts of war crimes (wilful killing, using children to participate actively in hostilities, sexual slavery, rape, attacking civilians, pillaging and destroying the enemy's property) and three charges of crimes against humanity (murder, sexual slavery and rape). These crimes were allegedly committed in connection with the attack on the village of Bogoro on 24 February 2003.

16. The trial of Mr. Katanga and Mr. Ngudjolo started on 24 November 2009 before Trial Chamber II. The prosecution concluded its presentation of live evidence in the case on 8 December 2010. During its case, the prosecution presented 270 pieces of evidence and called 24 witnesses, including 2 expert witnesses, to testify.

17. The first defendant, Mr. Katanga, presented his case between 24 March 2011 and 12 July 2011 and called 17 witnesses to testify, including 3 witnesses in common with the second accused, Mr. Ngudjolo. In all, 150 items tendered by the defence of Mr. Katanga and 59 items submitted by the defence of Mr. Ngudjolo were admitted as evidence. The defence case of Mr. Ngudjolo is scheduled to commence on 15 August 2011. A total of 366 victims are participating through their legal representatives, 2 having testified at trial.

C. *The Prosecutor v. Callixte Mbarushimana* (situation in the Democratic Republic of the Congo)

18. Callixte Mbarushimana is the alleged Executive Secretary of the Forces démocratiques de libération du Rwanda (FDLR). Pre-Trial Chamber I issued a warrant of arrest on 28 September 2010, finding reasonable grounds to believe that he personally and intentionally contributed to a common plan of the FDLR leadership to launch an offensive targeting the civilian population of the Kivus in order to obtain political concessions, as part of an international campaign to extort concessions of political power for FDLR.

19. On 11 October 2010, after the arrest of Mr. Mbarushimana by French authorities, the warrant of arrest was unsealed. He was transferred to the Court's Detention Centre in The Hague on 25 January 2011 and his initial appearance before the Court took place on 28 January 2011. The confirmation of charges hearing, initially scheduled for 4 July 2011, was postponed at the request of the prosecution in view of delays caused by technical difficulties encountered in reviewing electronic devices seized at the premises of the suspect.

20. On 15 July 2010, the prosecution filed the document containing the charges and list of evidence. The charges contain 13 counts of war crimes and crimes against humanity allegedly committed in the provinces of North and South Kivu and eastern Democratic Republic of the Congo in the period from 20 January to 31 December

2009. The prosecution argues that Mr. Mbarushimana is responsible for contributing to the FDLR leaders' common purpose to commit crimes by creating a "humanitarian catastrophe" in the Kivus in order to persuade the Governments of Rwanda and the Democratic Republic of the Congo to abandon their military campaign against the group and to extort concessions of political power in Rwanda.

D. *The Prosecutor v. Jean-Pierre Bemba Gombo* (situation in the Central African Republic)

21. Jean-Pierre Bemba Gombo was formerly President and Commander-in-Chief of the Mouvement de libération du Congo. He allegedly committed crimes in various locations in the Central African Republic in connection with a non-international armed conflict that took place from 26 October 2002 to 15 March 2003. Charges against Mr. Bemba were confirmed by Pre-Trial Chamber III on 15 June 2009. He is charged with three counts of war crimes (murder, rape and pillaging) and two counts of crimes against humanity (murder and rape) in his capacity as a military commander under article 28 of the Rome Statute (Responsibility of commanders and other superiors).

22. On 19 October 2010, the Appeals Chamber delivered its judgement on the appeal of Mr. Bemba against the 24 June 2010 decision of Trial Chamber III entitled "Decision on the admissibility and abuse of process challenges". The Appeals Chamber confirmed the challenged decision, finding that when a Trial Chamber is presented with the question of whether the outcome of domestic judicial proceedings is equivalent to a decision not to prosecute in terms of article 17, paragraph (1) (b), of the Statute, the Trial Chamber should accept prima facie the validity and effect of the decisions of domestic courts, unless presented with compelling evidence indicating otherwise.

23. The trial of Mr. Bemba started on 22 November 2010 before Trial Chamber III. To date, 1,619 victims have been admitted to participate in the trial proceedings through their legal representatives. As at 31 July 2011, the prosecution had presented 25 of its 40 planned witnesses.

E. *The Prosecutor v. Omar Hassan Ahmad Al Bashir* (situation in Darfur, Sudan)

24. A first warrant of arrest against Omar Hassan Ahmad Al Bashir, current President of the Sudan, was delivered on 4 March 2009 by Pre-Trial Chamber I for five counts of crimes against humanity (murder, extermination, forcible transfer, torture and rape) and two counts of war crimes (attacking civilians and pillaging). On 12 July 2010, Pre-Trial Chamber I issued a second warrant of arrest which charged Mr. Al Bashir with three additional counts of genocide. Both warrants of arrest were notified to all States parties, to the authorities of the Sudan and to all Security Council members that are not parties to the Rome Statute.

25. On 27 August 2010, Pre-Trial Chamber I issued two decisions informing the Security Council and the Assembly of States Parties to the Rome Statute of Mr. Al Bashir's visits to Kenya and Chad, in order for them to take any action they may deem appropriate. On 12 May 2011, Pre-Trial Chamber I issued a similar decision

with respect to Mr. Al Bashir's visit to Djibouti. In the aforementioned decisions, Pre-Trial Chamber I noted that the States in question have an obligation to cooperate with the Court, stemming both from Security Council resolution 1593 (2005) and from article 87 of the Rome Statute, to which Chad, Djibouti and Kenya are States parties.

26. Mr. Al Bashir remains at large. A total of 12 victims have been admitted to participate in this case through their legal representatives.

F. *The Prosecutor v. Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus* (situation in Darfur, Sudan)

27. Abdallah Banda Abakaer Nourain is alleged to be the Commander-in-Chief of the Justice and Equality Movement and Mohammed Jerbo Jamus is alleged to be the former Chief-of-Staff of the Sudan Liberation Army-Unity. Mr. Banda and Mr. Jerbo were issued summonses to appear in August 2009 by Pre-Trial Chamber I.

28. The confirmation of charges hearing was held on 8 December 2010. On 7 March 2011, Pre-Trial Chamber I confirmed three charges of war crimes (violence to life, intentionally directing attacks against a peacekeeping mission and pillaging) against the alleged rebel leaders in the situation in Darfur, Sudan, in relation to an attack on peacekeepers in an African Union mission in Northern Darfur, Sudan (the African Union Mission in the Sudan (AMIS)), on 29 September 2007.

29. On 16 March 2011, the Presidency of the Court referred the case to the newly constituted Trial Chamber IV. On 16 May 2011, the parties filed a joint submission stating that the accused would contest only certain specified issues at their trial:

(a) Whether the attack on the Haskanita military group site on 29 September 2007 was unlawful;

(b) If the attack was deemed unlawful, whether the accused were aware of the factual circumstances that established the unlawful nature of the attack;

(c) Whether AMIS was a peacekeeping mission in accordance with the Charter of the United Nations.

30. The agreement reached by the parties could significantly shorten the trial proceedings by focusing the trial on only those issues that are contested between the parties, thus promoting an efficient and cost-effective trial while preserving the rights of victims to participate in the proceedings and protecting the rights of the accused persons to a fair and expeditious trial.

31. As at 31 May 2011, a total of 89 victims had been authorized to participate through their legal representatives in the proceedings. The date of the commencement of trial will be set in due course.

G. *The Prosecutor v. William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang* (situation in Kenya)

32. On 8 March 2011, Pre-Trial Chamber II issued summonses to appear for William Samoei Ruto, a suspended Minister of Higher Education, Science and Technology, Henry Kiprono Kosgey, a member of Parliament and Chairman of the

Orange Democratic Movement (ODM), and Joshua Arap Sang, the head of operations at Kass FM in Nairobi, for their alleged roles in committing crimes against humanity in connection with the post-election violence of 2007 and 2008. All three accused are allegedly members of ODM, one of the two political parties of Kenya's ruling coalition.

33. On 7 April 2011, the three suspects voluntarily appeared before Pre-Trial Chamber II. The confirmation of charges hearing is scheduled for 1 September 2011, when Pre-Trial Chamber II will consider the charges, namely, three counts of crimes against humanity (murder, forcible transfer of population and persecution).

34. On 31 March 2011, the Government of Kenya filed an application pursuant to article 19 of the Rome Statute challenging the admissibility of the case before the Court. Pre-Trial Chamber II rejected the application on 30 May 2011, considering that the application did not provide concrete evidence of ongoing national proceedings with respect to the persons subject of the proceedings at the Court. The Government's appeal against the decision is pending before the Appeals Chamber.

H. *The Prosecutor v. Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali* (situation in Kenya)

35. On 8 March 2011, Pre-Trial Chamber II issued summonses to appear for Francis Kirimi Muthaura, Head of Public Service and Secretary to the Cabinet, Uhuru Muigai Kenyatta, Deputy Prime Minister and Minister for Finance, and Mohammed Hussein Ali, Chief Executive of the Postal Corporation, for their alleged roles in committing crimes against humanity in connection with the post-election violence of 2007 and 2008. All three accused are allegedly members of the Party of National Unity, one of the two political parties of Kenya's ruling coalition.

36. On 8 April 2011, the three suspects voluntarily appeared before Pre-Trial Chamber II. The confirmation of charges hearing is scheduled for 21 September 2011, when Pre-Trial Chamber II will consider the charges of five counts of crimes against humanity (murder, forcible transfer of population, rape, persecution and other inhumane acts).

37. On 31 March 2011, the Government of Kenya filed an application pursuant to article 19 of the Rome Statute challenging the admissibility of the case before the Court. Pre-Trial Chamber II rejected the application on 30 May 2011, considering that the application did not provide concrete evidence of ongoing national proceedings with respect to the persons subject of the proceedings at the Court. The Government's appeal against the decision is pending before the Appeals Chamber.

I. *Prosecutor v. Muammar Mohammed Abu Minyar Gaddafi, Saif Al-Islam Gaddafi and Abdullah Al-Senussi* (situation in the Libyan Arab Jamahiriya)

38. On 27 June 2011, Pre-Trial Chamber I issued warrants of arrest against Libyan leader Muammar Mohammed Abu Minyar Gaddafi, his son Saif Al-Islam Gaddafi, Libyan Government Spokesman, and Abdullah Al-Senussi, Director of Military Intelligence, for two counts of crimes against humanity (murder and persecution) allegedly committed since 15 February 2011. Pre-Trial Chamber I found that there

were reasonable grounds to believe that Muammar Gaddafi, in coordination with his inner circle, conceived and orchestrated a plan to deter and quell, by all means, civilian demonstrations against the regime. The warrants of arrest follow the investigation into the situation in the Libyan Arab Jamahiriya, opened by the Prosecutor on 3 March 2011 pursuant to Security Council resolution 1970 (2011), adopted on 26 February 2011, by which the Council referred the situation to the Prosecutor.

J. Outstanding warrants of arrest

39. At the time of submission of the present report, 12 warrants of arrest were outstanding:

(a) Uganda: Mr. Joseph Kony, Mr. Vincent Otti, Mr. Okot Odhiambo and Mr. Dominic Ongwen, outstanding since 2005;

(b) Democratic Republic of the Congo: Mr. Bosco Ntaganda, outstanding since 2006;

(c) Darfur, Sudan: Mr. Ahmad Harun and Mr. Ali Kushayb, outstanding since 2007 and, in the case of Mr. Omar Al Bashir, two warrants outstanding since 2009 and 2010;

(d) Libyan Arab Jamahiriya: Muammar Mohammed Abu Minyar Gaddafi, Saif Al-Islam Gaddafi and Abdullah Al-Senussi, outstanding since 27 June 2011.

40. The Court issued requests for cooperation in the arrest and surrender of each of these individuals and notified these requests to the relevant States. States parties and other States that have legal obligations to cooperate with the Court are required to comply with these requests. In respect of the situations in Darfur, Sudan, and the Libyan Arab Jamahiriya, all parties, including the respective States, are obliged to cooperate fully with the Court and the Prosecutor pursuant to Security Council resolutions 1593 (2005) and 1970 (2011), respectively.

III. Investigations and preliminary examinations

A. Investigations

1. Situation in the Democratic Republic of the Congo

The Prosecutor v. Thomas Lubanga Dyilo and The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui

41. During the period 1 August 2010 to 31 July 2011, the prosecution conducted 16 missions to five countries mainly for the support of trials, to address the arguments raised by the defence in *The Prosecutor v. Thomas Lubanga Dyilo* and in *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*.

The case of the Kivu provinces

42. During the period from 1 August 2010 to 31 July 2011, the Office of the Prosecutor conducted 34 missions to 10 countries for its third investigation in the Democratic Republic of the Congo, focusing on crimes committed by the FDLR

militia in the Kivu provinces, which led to the arrest and surrender of Callixte Mbarushimana and supported the preparation for the upcoming confirmation of charges hearing.

43. The investigation and prosecution of crimes allegedly committed by the FDLR militia in the Kivu provinces in eastern Democratic Republic of the Congo represent one of the most successful examples of complementarity under the Rome Statute system. Part of the FDLR leadership was based in Europe. Callixte Mbarushimana, the militia's alleged Executive Secretary, was based in France. He was arrested by French authorities and surrendered to the Court. Ignace Murwanashiyaka and Straton Musoni, FDLR President and Vice-President, respectively, were arrested by German authorities on 17 November 2009 and are currently facing trial in Germany for war crimes and crimes against humanity charged under the German Code of Crimes against International Law.

44. The prosecution of the FDLR leadership is the result of more than two years of investigations conducted by Germany, Rwanda, the Democratic Republic of the Congo, France and the Office of the Prosecutor into the alleged crimes in the Kivus and specifically into the activities of FDLR.

45. The investigation of the Office of the Prosecutor into alleged crimes committed in the Kivus continues, including against other leaders of FDLR.

46. As part of its policy of positive complementarity, which actively encourages genuine national proceedings, the Office has furthermore contributed to the training of Congolese judicial authorities in North and South Kivu provinces investigating war crimes and crimes against humanity, in October 2010 and February 2011, respectively.

2. Situation in Uganda

47. The Office of the Prosecutor continued to gather information on crimes allegedly committed by the Lord's Resistance Army (LRA) and to promote action to implement warrants against the top LRA leadership, carrying out three missions to three countries in relation to the situation in Uganda. The Office has collected a range of information on crimes allegedly being committed by LRA under Joseph Kony's leadership. According to the information received, LRA crimes continued to be committed throughout the year, with a substantial number of killings and abductions across the Democratic Republic of the Congo, Southern Sudan and the Central African Republic. Since early 2008, the LRA is reported to have killed more than 2,000, abducted more than 2,500 and displaced well over 300,000 in the Democratic Republic of the Congo alone. During the same period, more than 120,000 people have been displaced, at least 450 killed and more than 800 abducted in Southern Sudan and the Central African Republic.

48. The Office also continued gathering and analysing information related to alleged crimes committed by the Uganda People's Defence Forces. The Office continued to encourage Ugandan authorities to conduct proceedings in relation to both parties to the conflict.

49. As part of its policy of positive complementarity, the Office has provided assistance to Ugandan authorities to investigate and prosecute individuals. As national authorities prepared for their first domestic war crimes case before the newly established International Crimes Division of the High Court, against an

alleged mid-level LRA commander, the Office shared lessons learned and best practices, including with regard to witness protection and support and evidence-handling. The Office was able to provide searchable copies, translations and transcripts of the raw material originally received from Ugandan authorities in the context of the Office's own enquiries that related to the incidents selected for prosecution in the High Court of Uganda. The Office received a formal undertaking from Ugandan authorities that any information shared by the Office will be used in the context of proceedings that are consistent with internationally recognized human rights standards.

3. Situation in the Central African Republic

50. The Office of the Prosecutor continued its investigation into the situation in the Central African Republic and conducted a total of 14 missions to five countries between 1 August 2010 and 31 July 2011 for the purposes of, inter alia, screening potential witnesses and following up on new information received.

4. Situation in Darfur, Sudan

51. In the period from 1 August 2010 and 30 July 2011, the Office conducted 16 missions to nine countries in relation to investigations into the situation in Darfur.

52. In accordance with Security Council resolution 1593 (2005), the Prosecutor presented his twelfth and thirteenth reports on the status of the investigation into the situation in Darfur to the Security Council, on 10 December 2010 and 8 June 2011, respectively.

53. In his briefing of 10 December 2010, the Prosecutor drew attention to the issuance by the Pre-Trial Chamber of a second arrest warrant against President Al Bashir on three charges of genocide. He again highlighted the lack of cooperation by the Government of the Sudan and the lack of national proceedings against those responsible for the crimes committed.

54. In his briefing of 8 June 2011, the Prosecutor addressed the outstanding arrest warrants and ongoing crimes, expressing particular concern about the role of Ahmad Harun as a key player.

55. The Office continues to monitor and gather information regarding the situation in Darfur, Sudan. The information collected indicates that crimes against humanity, war crimes and genocide continue to be committed.

5. Situation in Kenya

56. Following the authorization to commence an investigation, the Office conducted 71 missions to 14 countries during the reporting period.

57. The Prosecutor submitted two applications for summonses to appear regarding six individuals on 15 December 2010.

6. Situation in the Libyan Arab Jamahiriya

58. Following the unanimous Security Council referral, the Office conducted a factual and legal analysis during its preliminary examination of the situation. As a result of this analysis, covering issues of jurisdiction, admissibility

(complementarity and gravity) and the interests of justice, on 3 March 2011 the Office determined that the statutory criteria for opening an investigation into the situation in the Libyan Arab Jamahiriya had been met.

59. In his briefing to the Security Council on 4 May 2011, the Prosecutor gave his first report on the substantial and swift progress made in the Office's investigations, concluding that he would in the coming weeks be seeking arrest warrants against three individuals who appeared to bear the greatest criminal responsibility for crimes against humanity committed in the Libyan Arab Jamahiriya since 15 February.

60. Subsequently, on 16 May 2011, the Prosecutor requested that Pre-Trial Chamber I issue arrest warrants against Libyan leader Muammar Mohammed Abu Minyar Gaddafi, his son Saif Al-Islam Gaddafi, Libyan Government Spokesman, and Abdullah Al-Senussi, Director of Military Intelligence. In this application the Prosecutor produced evidence, relating to orders issued by Muammar Gaddafi, of Saif Al-Islam organizing the recruitment of foreign soldiers, and of Al-Senussi participating in attacks against demonstrators, in addition to documenting how the three had held meetings to plan the operations.

61. During the reporting period, the Office conducted 28 missions to 11 countries with regard to the situation in the Libyan Arab Jamahiriya. The Office is investigating allegations of rape, sexual violence and other instances of crimes against humanity, including torture and inhuman acts committed against civilians perceived as dissidents. The Office is also investigating allegations of attacks against sub-Saharan Africans wrongly perceived to be mercenaries and allegations of war crimes committed by different parties during the armed conflict.

B. Preliminary examinations

62. The Office continued to proactively monitor information on crimes potentially falling within the jurisdiction of the Court, analysing communications received from various sources. As at 30 June 2011, the Office had received 9,253 communications relating to article 15 of the Rome Statute, of which 419 were received during the reporting period.

63. The Office continued preliminary examinations in Afghanistan, Colombia, Georgia, Guinea and Palestine. The Office made public the fact that it had initiated preliminary examinations of situations in Honduras, Nigeria and the Republic of Korea. On 23 June 2011, the Prosecutor requested authorization from the Pre-Trial Chamber to commence an investigation into the situation in Côte d'Ivoire.

1. Afghanistan

64. The Office continued to monitor the situation in Afghanistan, considering all information, including open sources. It maintains close contact with experts, civil society organizations and public officials in the region, and participated in various international academic conferences on Afghanistan.

65. In accordance with the Rome Statute, the Office assesses whether there are genuine investigations and proceedings consistent with an intent to bring to justice those bearing the greatest responsibility for the most serious crimes committed in Afghanistan. This analysis covers investigations and proceedings that may be

carried out in the State of nationality of those allegedly responsible or any other State having jurisdiction over alleged crimes committed in Afghanistan.

2. Colombia

66. Upon ratification of the Rome Statute, Colombia declared (according to article 124 of the Rome Statute) that it would not accept the Court's jurisdiction with respect to war crimes for seven years. That seven-year period ended on 1 November 2009. War crimes committed after that date could be investigated and prosecuted by the Office of the Prosecutor. Colombia's national criminal justice system has made efforts to investigate those responsible for crimes covered by the Rome Statute.

67. The Office is monitoring and analysing information on investigations and proceedings, focusing on those dealing with the leadership of paramilitary and guerrilla groups and the military allegedly responsible for conduct that may fall under the Court's jurisdiction. The Office is analysing allegations of international support networks assisting armed groups committing crimes within Colombia. The Office is also monitoring the cases of "parapolitica".

68. Letters requesting information have been sent by the Office to various States. During the reporting period, the Office also met with Colombian stakeholders from the Government, judicial authorities and non-governmental organizations (NGOs), in both Colombia and The Hague.

69. At the biannual NGO round table on 20 October 2010, the Office held a session on complementarity in the context of the preliminary examination in Colombia, at which panellists commented on the response of Colombian authorities to fighting impunity, with a focus on Justice and Peace Law proceedings.

70. The Office will continue to examine the situation and national proceedings in Colombia. In this context, in accordance with its positive approach to complementarity, the Office has welcomed the efforts of President Santos in seeking further international support for the Colombian national proceedings and in promoting cooperation, as explained during the ninth session of the Assembly of States Parties in December 2010. The appointment of Spanish Judge Baltasar Garzón, who has worked as a consultant for the Office, as adviser to the Mission to Support the Peace Process in Colombia of the Organization of American States, is an example of positive complementarity in practice and will, it is to be hoped, contribute to helping the Colombian authorities to move in a positive direction.

3. Côte d'Ivoire

71. The Office continued to monitor the situation in Côte d'Ivoire, in particular the violence following the presidential run-off election held on 28 November 2010.

72. On 18 December 2010, the Court received a declaration signed by President Ouattara which confirmed the previous declaration, submitted in October 2003 by the Government of Côte d'Ivoire pursuant to article 12, paragraph 3, of the Statute, accepting the jurisdiction of the Court for crimes committed on the country's territory since 19 September 2002.

73. The Prosecutor has concluded that the statutory criteria established by the Rome Statute for the opening of an investigation have been met. On 23 June 2011, the Prosecutor requested authorization from the Pre-Trial Chamber to open an

investigation into the alleged crimes committed on the territory of Côte d'Ivoire since 28 November 2010.

4. Georgia

74. During the reporting period, the Office of the Prosecutor has continued to follow up on investigations into alleged crimes committed during the August 2008 conflict in Georgia.

75. In February 2011, a delegation from the Office of the Prosecutor led a second visit to the Russian Federation and received a comprehensive update on the progress of national investigations undertaken by the investigative committee of the Russian Federation. The Office has maintained regular contacts with the Georgian authorities.

76. The Office maintains close contacts with NGOs in the region, receiving reports from and participating in meetings with these organizations.

5. Guinea

77. The Prosecutor announced on 14 October 2009 that the situation in Guinea was under preliminary examination, relating to allegations surrounding the events of 28 September 2009 in Conakry.

78. The Office conducted two missions to Guinea to follow up on investigations being carried out by Guinean judges into the 2009 events, and to monitor whether new crimes were committed during the election period, as part of the Office's preventive mandate. The Office met with Government officials and representatives of the judiciary and civil society, as well as victims and victims' associations.

6. Honduras

79. On 18 November 2010, the Prosecutor announced that the situation in Honduras was under preliminary examination. The Office is analysing whether alleged human rights violations following the 28 June 2009 coup d'etat against President Zelaya constitute crimes under the jurisdiction of the Court. The Office received 17 communications regarding the situation. Honduran authorities immediately offered their cooperation.

7. Republic of Korea

80. On 6 December 2010, the Office announced the receipt of communications alleging that forces of the Democratic People's Republic of Korea had committed war crimes in the territory of the Republic of Korea.

81. The preliminary examination of the situation in the Republic of Korea is focusing on two incidents: (a) the shelling of Yeonpyeong Island on 23 November 2010, which resulted in the killing of marines and civilians of the Republic of Korea and injury to many others; and (b) the sinking of a Republic of Korea warship, the *Cheonan*, which was hit by a torpedo allegedly fired from a submarine of the Democratic People's Republic of Korea on 26 March 2010, which resulted in the deaths of 46 persons.

82. The Office has been seeking additional information from relevant sources. The Office is engaged with the Korean authorities on determining factual issues as part of the subject-matter jurisdiction analysis of the preliminary examination.

8. Nigeria

83. The Office of the Prosecutor made its examination of the situation in Nigeria public on 18 November 2010. The Office is analysing alleged crimes committed in Central Nigeria since mid-2004 and has engaged constructively with the Nigerian authorities. The Office met with Nigerian and international civil society organizations which work in the "middle belt" states. Nigerian judicial authorities have been invited to share information with the Office on existing proceedings.

9. Palestine

84. In connection with the declaration lodged by the Palestinian National Authority under article 12, paragraph 3, of the Rome Statute on 22 January 2009 accepting the jurisdiction of the Court, the Office continues to examine whether the declaration meets statutory requirements. As the International Criminal Court is a court of last resort, the Office of the Prosecutor also considers whether there are national proceedings in relation to alleged crimes, relating to the admissibility of the cases potentially arising from the situation. In total, the Office received 400 communications on crimes allegedly committed in Palestine.

85. The Palestinian National Authority requested the right to be heard on the fulfilment of the statutory requirements for opening an investigation, including on the issue as to whether Palestine qualifies as a "State" for the purpose of article 12, paragraph 3, of the Statute. The Office considered that a fair process required that the Palestinian National Authority as well as other interested parties have the opportunity to be heard. The Office therefore ensured due process to all parties involved. Representatives of the Palestinian National Authority presented arguments by oral and written submissions. The final public briefing will be presented soon.[3]

86. The Office has also considered various public reports and organized an interactive discussion among the various experts and NGOs that had provided submissions at the seat of the Court during its biannual round table on 20 October 2010.

87. In July 2011, the Office provided updated information to the Office of the United Nations High Commissioner for Human Rights pursuant to its request on steps taken by the Office of the Prosecutor with regard to the Palestinian declaration.

88. The Prosecutor met with various stakeholders, including representatives of the Palestinian National Authority, the secretariat of the League of Arab States and a number of Palestinian and Israeli NGOs to discuss the jurisdiction of the Court.

[3] The Office of the Prosecutor has made available on its website a first summary of submissions on whether the declaration lodged by the Palestinian National Authority meets statutory requirements.

IV. International cooperation

A. Cooperation with the United Nations

89. Cooperation between the Court and the United Nations is based on the Relationship Agreement signed between the two organizations on 4 October 2004. Pursuant to article 10 of the Relationship Agreement, the United Nations provided facilities and services for the ninth session of the Assembly of States Parties, held at United Nations Headquarters, New York, from 6 to 10 December 2010. The tenth session is due to take place at United Nations Headquarters from 12 to 21 December 2011.

90. In the area of security, the Court is a member of the United Nations security management system and is invited to participate in the United Nations Inter-Agency Security Management Network meetings twice a year. This allows the Court to align its standards, regulations and operations with the United Nations and other member organizations in the field.

91. In situation countries, the support and assistance received by the Court from the United Nations is of crucial importance, ranging from the provision of fuel for the Court's vehicles to the use of United Nations air assets. During the reporting period the Court made use of 862 flights operated by the United Nations in support of missions in all situation countries. The United Nations continues to provide a range of services and facilities to the Court, including logistical support for the Court's field operations.

92. The Court has extensive contact with the Office of Legal Affairs, particularly in coordinating the testimony of United Nations officials, the provision of information and the mainstreaming of the Court throughout the United Nations system. The United Nations provided documents to the Prosecutor and defence counsel upon their request. In December 2010, the second United Nations official to testify before the Court gave evidence in the trial of Germain Katanga and Mathieu Ngudjolo Chui.

93. The Court appreciates the cooperation and assistance received from the Office of Internal Oversight Services (OIOS) of the United Nations Secretariat. On 16 July 2010, the Court and the United Nations signed a memorandum of understanding in order to facilitate the secondment of an expert from OIOS to act as the temporary head of the Independent Oversight Mechanism of the International Criminal Court until 18 July 2011. Similarly, the Court benefited from the assistance provided by experts from the Internal Audit Division of OIOS who, in April 2011, conducted an assurance mapping study of the current internal and external oversight mechanisms of the Court.

94. On 13 June 2011, the Registry concluded a memorandum of understanding with the United Nations concerning the provision of support services and facilities by the United Nations Office at Nairobi to the Registry of the Court in connection with its activities in Kenya.

95. On 14 and 15 June 2011, senior representatives of the Office of the Prosecutor participated in meetings in New York with United Nations Offices, including the Office of Legal Affairs, the Department of Peacekeeping Operations, the United Nations Development Programme, the Office for the Coordination of Humanitarian

Affairs and the Office of the United Nations High Commissioner for Refugees, focusing on, inter alia, updates on recent developments relating to the activities of the Office, cooperation, exchange of information and best practices.

96. The next round table coordination meeting between the United Nations and the Court has been scheduled for 8 and 9 December 2011 in New York.

97. Regular contact between the International Criminal Court and United Nations Headquarters has been instrumental in facilitating cooperation. The Court's New York Liaison Office is the primary interlocutor for the United Nations Secretariat. The New York Liaison Office continued to facilitate and promote cooperation between the Court and the United Nations and its funds, programmes and agencies, as well as between the Court and Permanent and Observer Missions to the United Nations.

98. The head of the New York Liaison Office participated as an observer at meetings of the Security Council and, pursuant to article 4 of the Relationship Agreement, in General Assembly meetings concerning the work of the Court. The Liaison Office facilitated visits of senior Court officials to their counterparts in New York, followed developments of relevance to the Court in various United Nations meetings and updated Court officials accordingly. It also constantly updated the United Nations Secretariat and Permanent Missions on judicial developments within the Court and transmitted judicial notifications from the Court to the Secretary-General and the Security Council. As the work of the Court continued to gain prominence at the United Nations, the head of the Liaison Office was increasingly called upon to provide information to various United Nations departments and Permanent Missions.

99. In addition to operational and logistical assistance, the public and diplomatic support of the United Nations and its senior officials, including the Secretary-General, continued to be important to the Court.

100. The President of the Court held several meetings with senior United Nations officials during the reporting period, with a particular focus on the possibilities for the Rule of Law Coordination and Resource Group to reinforce engagement on issues relating to crimes covered by the Rome Statute. In their meeting on 9 December 2010, the President and the Secretary-General discussed the potential for the United Nations to play a key role in the strengthening of national justice systems by increasing focus on Rome Statute issues within rule-of-law programming and development aid. They also agreed on the importance of raising awareness globally about the Court and promoting the ratification of the Rome Statute, particularly in regions underrepresented among the States parties. On 17 March 2011, the President met with the Administrator of the United Nations Development Programme and discussed the synergies between the United Nations and the Court in supporting the domestic capacity of States to prosecute serious crimes. On 9 May 2011, the President of the Court met with the United Nations High Commissioner for Human Rights and discussed various forms of cooperation between the two organizations in ensuring accountability for Rome Statute crimes. The President also met with the heads of United Nations missions in several countries during his official travels to discuss issues of mutual interest.

101. As indicated above, the Prosecutor briefed the Security Council on two occasions on the status of the investigation into the situation in Darfur and on one

occasion on the status of the investigation into the situation in the Libyan Arab Jamahiriya. In addition, during the reporting period the Office of the Prosecutor held various high-level meetings with representatives of the United Nations in order to increase understanding of its specific mission and increase mutual cooperation. The meetings included the Under-Secretary-General for Political Affairs, the Under-Secretary-General for Peacekeeping Operations, the Under-Secretary-General for Legal Affairs and United Nations Legal Counsel, the United Nations High Commissioner for Human Rights and the Special Representative of the Secretary-General on Sexual Violence in Conflict, as well representatives of the Office for the Coordination of Humanitarian Affairs.

B. Cooperation with and assistance from States, other international organizations and civil society

102. The Court made numerous requests to States for cooperation or assistance pursuant to part IX of the Rome Statute. Pursuant to article 87 of the Statute, the content of such requests and related communications is often confidential in nature.

103. During the reporting period, the Office of the Prosecutor sent 211 requests for assistance to States parties, non-States parties, international and regional organizations and others. While many of these requests are still pending, in particular the recent ones, the execution rate at the end of the reporting period already stood at 70 per cent.

104. In addition to specific requests for cooperation and assistance made pursuant to parts IX and X of the Rome Statute, the Court continued to develop bilateral exchanges and arrangements for cooperation with States, especially with respect to analysis and investigative activities, asset tracking and freezing, victim and witness protection, arrest operations, the enforcement of sentences and the provisional release of accused persons pending trial.

105. During the reporting period, agreements on the enforcement of sentences were concluded with Colombia and Serbia, bringing to seven the total number of such agreements. This is welcome, as the possibility of sentences being handed down in 2011 and 2012 has increased the need for the Court to find suitable detention places for sentenced persons.

106. No new witness relocation agreements were entered into with States during the reporting period, although advanced negotiations are ongoing with a number of States in this respect. In order to increase the Court's options for relocating witnesses internationally, the Court opened a new special fund for witness relocation for States to donate funds for the purposes of funding relocations to third States. The Court has already received a substantial donation to the special fund, currently used to finance several witnesses relocations. The Court is now approaching States parties to enquire about their willingness to enter into a cost-neutral witness relocation agreement with the Court, financed by the special fund.

107. In addition, States parties may support, bilaterally or through multilateral institutions, the establishment of witness protection capabilities in other States where capacity is lacking. A number of countries have already indicated their keen interest in this proposal, the development of which would further the principle of complementarity.

108. The Trust Fund for Victims, established by the Rome Statute, has a dual mandate in respect of victims with the jurisdiction of the Court. The secretariat of the Trust Fund regularly interacts and coordinates with States and United Nations organizations at the institutional and operational levels.

109. The mandate of the Trust Fund for Victims related to the implementation of Court-ordered reparations is expected to be triggered by a first conviction by the Court. Activities under the Fund's rehabilitation mandate have been under way in northern Uganda and the Democratic Republic of the Congo for the past four years, and it is anticipated that they will start in the Central African Republic early in 2012. The Chair of the Board of the Fund, Ms. Elisabeth Rehn, contributes on a regular basis to international forums, which have included the League of Arab States conference held in Doha in May 2011.

110. During the reporting period, the Court concluded a framework cooperation arrangement with the Organization of American States and a memorandum of understanding on cooperation with the Commonwealth Secretariat. These agreements are highly valuable in enhancing the Court's cooperation with intergovernmental organizations with a view to exchanging information, raising awareness and supporting the capacity-building of national jurisdictions in accordance with the principle of complementarity.

111. The Court increased its cooperation and engagement with the League of Arab States. On 24 and 25 May 2011 in Doha, Court representatives, high-level Government delegations, legal experts and media representatives attended a regional conference on the International Criminal Court, organized by Qatar and the League of Arab States in cooperation with the Court. The conference was the first major event of its kind in the Middle East aimed at providing information on the workings of the Court and its legal framework. Speakers included the President, Registrar and Prosecutor of the Court, as well as leading Arab experts on international criminal justice.

112. The Court continued to communicate closely with the African Union. On 18 and 19 July 2011 at African Union headquarters in Addis Ababa, Court officials and more than 50 participants representing 15 African States participated in a seminar on the technical aspects of the Rome Statute and Court practice, jointly organized by the African Union and the Court. Presentations on the Court's structure and governing principles, including complementarity, were followed by candid discussions about the role of the Court within the international justice system, the relationship between regional and international organizations and the relationship between peace and justice. The Court acknowledges the financial support of the International Organization of la Francophonie for this and other regional seminars held during the reporting period.

113. The Court welcomes the adoption by the European Union of Council Decision 2011/168/CFSP of 21 March 2011, replacing the Union's previous Common Position on the Court. The European Union continued to provide valuable technical, financial and other forms of support to the Court during the reporting period.

114. Senior officials of the Court met frequently with representatives of States, international organizations and civil society to update them on the work of the Court, to raise awareness about the Rome Statute system and to discuss issues of mutual interest. The President of the Court met, inter alia, the Heads of State or

Government of Colombia, Ireland, Malaysia, Mongolia, the Philippines and Qatar, as well as with ministers of foreign affairs and justice of numerous States from all regions. Furthermore, the President of the Court met with the President of the European Union, the Chairman of the Commission of the African Union and the Secretaries-General of the Commonwealth and the Organization of American States.

115. The Office of the Prosecutor paid official visits to various Heads of State and Government, including the Presidents of Botswana, Guinea and Sierra Leone, the President and the Prime Minister of Côte d'Ivoire and the Emir and the Prime Minister of Qatar. The Office also met with the Prime Minister of the Libyan Transitional National Council, the Ministers for Foreign Affairs of Denmark, Egypt, the Netherlands, Senegal and Spain and the Ministers of Justice of Egypt, Liberia, Senegal, South Africa and Palestine, among others. In addition, the Office met with high-level representatives of international and regional organizations, including the League of Arab States, the African Union, the European Union (the European External Action Service and the European Parliament), the Organization of American States and the International Organization of la Francophonie.

116. The Court held two diplomatic briefings in The Hague in order to update the diplomatic community on the work of the Court. Briefings for diplomatic missions were also held in New York. Two strategic-level meetings were held between the Court and civil society organizations in The Hague, in addition to regular contacts between the Court and representatives of civil society.

V. Institutional developments

A. Elections and appointments

117. At its tenth session, to be held from 12 to 21 December 2011 at United Nations Headquarters, the Assembly of States Parties will elect six new judges to replace the six judges whose nine-year terms will expire on 10 March 2012. The terms of office of the new judges will begin on 11 March 2012.

118. The Assembly will also elect a Prosecutor to replace the current Prosecutor, whose term ends in June 2012. At the ninth session of the Assembly, in December 2010, the Bureau of the Assembly established a search committee for the position of Prosecutor[4] with a mandate to facilitate the nomination and election, by consensus, of the next Prosecutor.[5] The committee began its work early in 2011 and has informally received expressions of interest from various sources, including individuals, States and civil society. It is reviewing the expressions of interest in the light of the relevant criteria, and will produce a shortlist of at least three suitable candidates, if possible, for consideration by the Bureau.

119. On 27 May 2011, the Prosecutor announced the appointment of Professor Mireille Delmas-Marty as his Office's Special Adviser on the Internationalization of Legal Issues. On 19 July 2011, Professor Renwen Liu was appointed as Special Adviser to the Prosecutor on the Chinese legal system. These appointments are in accordance with the duty of the Prosecutor established by article 42, paragraph 9, of

[4] See "Bureau of the Assembly of States Parties: Search Committee for the position of the Prosecutor of the International Criminal Court: terms of reference" (ICC-ASP/9/INF.2).

[5] Ibid., para. 5.

the Statute to appoint advisers with legal expertise on specific issues. Juan Mendez, Special Adviser on Crime Prevention, resigned from his position as a consequence of his appointment as United Nations Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

B. Assistance to the Special Court for Sierra Leone

120. During the reporting period, the International Criminal Court continued to provide detention services and other related assistance to the Special Court for Sierra Leone in its trial of Charles Taylor in The Hague. The assistance provided to the Special Court for Sierra Leone includes access to the information and communications technology facilities of the International Criminal Court, its vault and a fully equipped office connected to the detention centre for the defence team. The Court agreed to provide these services to the Special Court for Sierra Leone through an exchange of letters detailing the relevant services.

VI. Conclusion

121. The Court was busier during the reporting period than ever before, with the number of suspects or accused persons increasing from 15 to 25. A third trial started before the Court, presentation of evidence was concluded in one trial, charges were confirmed against two accused and seven new persons appeared before the judges pursuant to an arrest warrant or a summons to appear. The Prosecutor opened a sixth investigation and requested authorization of the Pre-Trial Chamber to open a seventh investigation.

122. Five new States acceded to or ratified the Rome Statute, bringing the total number of States parties to 116. The United Nations continued to provide important support and assistance to the Court. Enhancing the complementarity of the Court and national jurisdictions is a crucial task in the global struggle against impunity, and the United Nations and its specialized agencies play a major role in this respect, in cooperation with the Court and other relevant actors.

123. As the importance attached to the Court's work and the relevance of the Rome Statute on the international scene grow, great challenges remain. The increased casework, and the referral of a new situation by the Security Council, has added pressure on the resources available to the Court. Arrest warrants are outstanding against a total of 11 suspects and the cooperation of States in bringing these persons to justice continues to be a key condition for the effective implementation of the Court's mandate.